

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0312-AIR-E **TCEQ ID:** RN100929140 **CASE NO.:** 32820
RESPONDENT NAME: U.S. Minerals, LLC dba Stan Blast Abrasives

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Stan Blast Abrasives, 5712 Harborside Drive, Galveston, Galveston County</p> <p>TYPE OF OPERATION: Coal slag crushing plant</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was documented on December 13, 2007. The Respondent was alleged to be emitting large, black smoke plumes. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 27, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="margin-left: 20px;">TCEQ Attorney/SEP Coordinator: None</p> <p style="margin-left: 20px;">TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, R-12, (713) 422-8931; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468</p> <p style="margin-left: 20px;">Respondent: Mr. Fred Vukas, President and General Manager, U.S. Minerals, LLC dba Stan Blast Abrasives, 3145 45th Street, Highland, Indiana 46322</p> <p style="margin-left: 20px;">Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-0312-AIR-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: December 13, 2006</p> <p>Date of Investigation Relating to this Case: December 14, 2006 to February 3, 2007</p> <p>Date of NOE Relating to this Case: February 15, 2007 (NOE)</p> <p>Background Facts: This was a complaint investigation. Four violations were documented.</p> <p>AIR</p> <p>1) Failure to prevent the opacity of emissions from a stationary vent from exceeding 20% averaged over a six-minute period. Specifically, on February 1, 2007 investigators documented emissions from a stationary vent with an opacity of 70% averaged over a six minute period [30 TEX. ADMIN. CODE § 111.111(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to ensure that all emission capture and abatement equipment is maintained in good working order and operated properly during facility operations. Specifically, on December 14, 2006 and February 1, 2007 investigators documented particulate matter being emitted from a hole in the elevator chute [30 TEX. ADMIN. CODE § 101.221(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to renew a permit to operate prior to the date the permit expired. Specifically, during the investigation it was documented that Standard Permit No. 18048 was due to be renewed on June 30, 2003, however the permit has not been renewed and the plant has continued to operate [30 TEX. ADMIN. CODE § 116.315 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$26,035</p> <p>Total Deferred: \$5,207 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$20,828</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that US Minerals completed repairs to the elevator chute, increased water flow to the screw conveyor, and added an additional spray bar to the screw conveyor on February 1, 2007.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, until such time authorization to operate is obtained or until 180 days after the effective date of this Agreed Order, which ever is earlier, comply with the provisions in expired Permit No. 18048.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to prevent the recurrence of excess opacity events due to the same cause as the February 1, 2007 excess opacity event; and</p> <p>ii. Develop and implement procedures to ensure proper notification of future excess opacity events.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision b.i. and b.ii., as described in Ordering Provision e.</p> <p>d. Within 180 days after the effective date of this Agreed Order, submit written certification, as described in Ordering Provision e., that either authorization to operate all sources of air emissions has been obtained or that all unauthorized emissions have ceased until such time that appropriate authorization is obtained.</p> <p>e. The certifications required by Ordering Provision c. and d. shall in include detailed supporting documentation including receipts and/or other records to</p>

<p>4) Failure to report an excess opacity event within 24 hours after discovery. Specifically, on February 2, 2007 and during subsequent database reviews it was documented that the February 1, 2007 excess opacity event was not reported to the TCEQ [30 TEX. ADMIN. CODE § 101.201(e) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>demonstrate compliance, be notarized by a State of Texas Notary Public.</p>
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES

Assigned PCW

21-Feb-2007
28-Feb-2007

Screening

8-Feb-2007

EPA Due

12-Nov-2007

RESPONDENT/FACILITY INFORMATION

Respondent U.S. Minerals, LLC dba Stan Blast Abrasives

Reg. Ent. Ref. No. RN100929140

Facility/Site Region 12-Houston

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 32820

Docket No. 2007-0312-AIR-E

Media Program(s) Air Quality

Multi-Media

No. of Violations 4

Order Type 1660

Enf. Coordinator Rebecca Johnson

EC's Team Enforcement Team 6

Admin. Penalty \$ Limit Minimum \$0 **Maximum** \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$20,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

27% Enhancement

Subtotals 2, 3, & 7

\$5,535

Notes

Penalty enhancement due to one NOV issued for same or similar violations, one NOV issued for unrelated violations, and one agreed order containing a denial of liability.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Before NOV

NOV to EDCRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6

\$0

Total EB Amounts \$1,671

Approx. Cost of Compliance \$14,250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$26,035

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

\$26,035

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$26,035

DEFERRAL

20%

Reduction

Adjustment

-\$5,207

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$20,828

Screening Date 8-Feb-2007

Docket No. 2007-0312-AIR-E

PCW

Respondent U.S. Minerals, LLC dba Stan Blast Abrasives

Policy Revision 2 (September 2002)

Case ID No. 32820

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100929140

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	1	5%
	Other written NOV's	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 27%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to one NOV issued for same or similar violations, one NOV issued for unrelated violations, and one agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 8-Feb-2007

Docket No. 2007-0312-AIR-E

PCW

Respondent U.S. Minerals, LLC dba Stan Blast Abrasives

Policy Revision 2 (September 2002)

Case ID No. 32820

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100929140

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 111.111(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent the opacity of emissions from a stationary vent from exceeding 20% averaged over a six-minute period. Specifically, on February 1, 2007 investigators documented emissions from a stationary vent with an opacity of 70% averaged over a six minute period.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment have been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health and environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$197

Violation Final Penalty Total \$3,175

This violation Final Assessed Penalty (adjusted for limits) \$3,175

Economic Benefit Worksheet

Respondent U.S. Minerals, LLC dba Stan Blast Abrasives
Case ID No. 32820
Reg. Ent. Reference No. RN100929140
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$3,500	1-Feb-2007	18-Mar-2008	1.1	\$197	n/a	\$197

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent an excess opacity event due to the same cause. Date required based on the date the excess opacity was documented. Final date based on the projected completion of corrective actions.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

TOTAL

\$197

Screening Date 8-Feb-2007

Docket No. 2007-0312-AIR-E

PCW

Respondent U.S. Minerals, LLC dba Stan Blast Abrasives

Policy Revision 2 (September 2002)

Case ID No. 32820

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100929140

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 101.221(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to ensure that all emission capture and abatement equipment is maintained in good working order and operated properly during facility operations. Specifically, on December 14, 2006 and February 1, 2007 investigators documented particulate matter being emitted from a hole in the elevator chute.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment have been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health and environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,000

Two single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$2,540

This violation Final Assessed Penalty (adjusted for limits) \$2,540

Economic Benefit Worksheet

Respondent: U.S. Minerals, LLC dba Stan Blast Abrasives
Case ID No.: 32820
Reg. Ent. Reference No.: RN100929140
Media: Air Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$4,000	14-Dec-2006	1-Feb-2007	0.1	\$27	n/a	\$27

Notes for DELAYED costs

Estimated cost to repair the roof and elevator chute, increase water flow to the screw conveyor, and to add an additional spray bar to the screw conveyor. Date required based on the earliest documentation of the violation. Final date based on the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,000

TOTAL

\$27

Screening Date 8-Feb-2007

Docket No. 2007-0312-AIR-E

PCW

Respondent U.S. Minerals, LLC dba Stan Blast Abrasives

Policy Revision 2 (September 2002)

Case ID No. 32820

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100929140

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 116.315 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to renew a permit to operate prior to the date the permit expired. Specifically, during the investigation it was documented that Standard Permit No. 18048 was due to be renewed on June 30, 2003, however the permit has not been renewed and the plant has continued to operate.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 15

1340 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$15,000

Fifteen quarterly events are recommend based on the June 30, 2003 permit renewal date to the February 28, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,349

Violation Final Penalty Total \$19,050

This violation Final Assessed Penalty (adjusted for limits) \$19,050

Economic Benefit Worksheet

Respondent U.S. Minerals, LLC dba Stan Blast Abrasives
Case ID No. 32820
Reg. Ent. Reference No. RN100929140
Media Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	30-Jun-2003	19-Nov-2008	5.4	\$1,349	n/a	\$1,349

Notes for DELAYED costs

Estimated cost to renew Standard Permit No. 18048 or obtain an alternative authorization to operate. Date required based on the expiration date of Standard Permit No. 18048. Final date based on the projected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1,349

Screening Date 8-Feb-2007

Docket No. 2007-0312-AIR-E

PCW

Respondent U.S. Minerals, LLC dba Stan Blast Abrasives

Policy Revision 2 (September 2002)

Case ID No. 32820

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100929140

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 101.201(e) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report an excess opacity event within 24 hours after discovery. Specifically, on February 2, 2007 and during subsequent database reviews it was documented that the February 1, 2007 excess opacity event was not reported to the TCEQ.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the reporting requirements were not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

26 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$98

Violation Final Penalty Total \$1,270

This violation Final Assessed Penalty (adjusted for limits) \$1,270

Economic Benefit Worksheet

Respondent U.S. Minerals, LLC dba Stan Blast Abrasives
Case ID No. 32820
Reg. Ent. Reference No. RN100929140
Media Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,500	2-Feb-2007	18-Mar-2008	1.1	\$84	n/a	\$84
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	2-Feb-2007	18-Mar-2008	1.1	\$14	n/a	\$14

Notes for DELAYED costs

Estimated costs for plant personnel to file a timely excess opacity event report, and for the implementation of new plant procedures concerning excess opacity event reporting requirements. Date required is twenty-four hours after the plant was made aware of the excess opacity event. Final date is the projected date new reporting procedures will be implemented.

Avoided Costs

ANNUALIZE (1) avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance (2)				0.0	\$0	\$0	\$0
ONE-TIME avoided costs (3)				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$98

Compliance History

Customer/Respondent/Owner-Operator: CN600601140 U.S. Minerals, LLC Classification: AVERAGE Rating: 35.40
 Regulated Entity: RN100929140 STAN BLAST ABRASIVES Classification: AVERAGE Site Rating: 35.40
 ID Number(s): AIR NEW SOURCE PERMITS PERMIT 9132
 AIR NEW SOURCE PERMITS PERMIT 18048
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER GB0132B
 AIR NEW SOURCE PERMITS AFS NUM 4816700079
 STORMWATER PERMIT TXR05P606
 STORMWATER PERMIT TXR05Q339
 Location: 5712 HARBORSIDE DR, GALVESTON, TX, 77554 Rating Date: 9/1/2006 Repeat Violator: NO
 TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: February 26, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: February 20, 2002 to February 20, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Johnson Phone: (713) 422-8931

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/30/2004

ADMINORDER 2004-0027-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Provision 3 PERMIT

Description: Failed to maintain all air pollution abatement equipment in good working order and operating properly during normal facility operations.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent opacity from exceeding 20%, averaged over a six-minute period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)[G]
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to notify the appropriate TCEQ regional office not later than 24 hours after the discovery of an excess opacity event that has an opacity reading equal to or exceeding 15 additional percentage points above the applicable opacity limit, average over a six-minute period.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|---|------------|----------|
| 1 | 05/16/2003 | (36375) |
| 2 | 06/30/2003 | (119417) |
| 3 | 11/09/2004 | (340325) |

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 04/03/2003 (34713)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT General Provision 3

Description: Failed to maintain all air pollution abatement equipment in good working order and operating properly during normal facility operations.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent opacity from exceeding 20%, averaged over a six-minute

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to notify the appropriate TCEQ regional office not later than 24 hours after the discovery of an excess opacity event that has an opacity reading equal to or exceeding 15 additional percentage points above the applicable opacity limit, average over a six-minute period.

Date: 05/16/2003 (36375)

Self Report? NO Classification Major

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: Failure to update and maintain the Storm Water Pollution Prevention Plan.

Self Report? NO Classification Major

Citation: TWC Chapter 26 26.121(b)

Description: Failure to prevent the potential for unauthorized discharges.

Self Report? NO Classification Major

Citation: TWC Chapter 26 26.121(b)

Description: Failure to implement best management practices that prevent pollution in storm water discharges.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: Failure to provide adequate containment of the coal slag.

Self Report? NO Classification Major

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: Failure to conduct periodic inspections.

Self Report? NO Classification Major

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: Failure to conduct quarterly visual sampling.

Self Report? NO Classification Major

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: Failure to conduct hazardous metals monitoring for 2002.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
U.S. MINERALS, LLC DBA STAN
BLAST ABRASIVES
RN100929140**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0312-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding U.S. Minerals, LLC dba Stan Blast Abrasives ("US Minerals") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and US Minerals appear before the Commission and together stipulate that:

1. US Minerals owns and operates a coal slag crushing plant at 5712 Harborside Drive in Galveston, Galveston County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and US Minerals agree that the Commission has jurisdiction to enter this Agreed Order, and that US Minerals is subject to the Commission's jurisdiction.
4. US Minerals received notice of the violations alleged in Section II ("Allegations") on or about February 20, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by US Minerals of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twenty-Six Thousand Thirty-Five Dollars (\$26,035) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). US Minerals has paid Twenty Thousand Eight Hundred Twenty-Eight Dollars (\$20,828) of the administrative penalty and Five Thousand Two Hundred Seven Dollars (\$5,207) is deferred contingent upon US Minerals' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If US Minerals fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require US Minerals to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and US Minerals have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that US Minerals completed repairs to the elevator chute, increased water flow to the screw conveyor, and added an additional spray bar to the screw conveyor on February 1, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that US Minerals has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, US Minerals is alleged to have:

1. Failed to prevent the opacity of emissions from a stationary vent from exceeding 20% averaged over a six-minute period, in violation of 30 TEX. ADMIN. CODE § 111.111(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted from December 14, 2006 to February 3, 2007. Specifically, on February 1, 2007 investigators documented emissions from a stationary vent with an opacity of 70% averaged over a six minute period.
2. Failed to ensure that all emission capture and abatement equipment is maintained in good working order and operated properly during facility operations, in violation of 30 TEX. ADMIN. CODE § 101.221(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted from December 14, 2006 to February 3, 2007. Specifically, on December

14, 2006 and February 1, 2007 investigators documented particulate matter being emitted from a hole in the elevator chute.

3. Failed to renew a permit to operate prior to the date the permit expires, in violation of 30 TEX. ADMIN. CODE § 116.315 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted from December 14, 2006 to February 3, 2007. Specifically, during the investigation it was documented that Standard Permit No. 18048 was due to be renewed on June 30, 2003, however the permit has not been renewed and the Plant has continued to operate.
4. Failed to report an excess opacity event within 24 hours after discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(e) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted from December 14, 2006 to February 3, 2007. Specifically, on February 2, 2007 and during subsequent database reviews it was documented that the February 1, 2007 excess opacity event was not reported to the TCEQ.

III. DENIALS

US Minerals generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that US Minerals pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and US Minerals' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: U.S. Minerals, LLC dba Stan Blast Abrasives, Docket No. 2007-0312-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. It is further ordered that US Minerals shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, until such time authorization to operate is obtained or until 180 days after the effective date of this Agreed Order, which ever is earlier, comply with the provisions in expired Permit No. 18048.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures designed to prevent the recurrence of excess opacity events due to the same cause as the February 1, 2007 excess opacity event; and

- ii. Develop and implement procedures to ensure proper notification of future excess opacity events.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.b.i. and 2.b.ii., as described in Ordering Provision No. 2.e.
- d. Within 180 days after the effective date of this Agreed Order, submit written certification, as described in Ordering Provision No. 2.e., that either authorization to operate all sources of air emissions has been obtained or that all unauthorized emissions have ceased until such time that appropriate authorization is obtained.
- e. The certifications required by Ordering Provision Nos. 2.c. and 2.d. shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Program Manager, Air & Water Pollution Services Division
Galveston County Health District
Post Office Box 939
La Marque, Texas 77568

- 3. The provisions of this Agreed Order shall apply to and be binding upon US Minerals. US Minerals is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 4. If US Minerals fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, US Minerals' failure to comply is not a violation of this Agreed Order. US Minerals shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. US Minerals shall notify the Executive Director within seven days after US

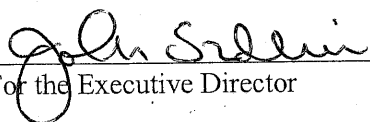
Minerals becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by US Minerals shall be made in writing to the Executive Director. Extensions are not effective until US Minerals receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against US Minerals in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to US Minerals, or three days after the date on which the Commission mails notice of the Order to US Minerals, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

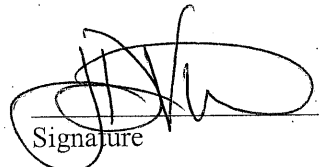
8/21/2007
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

5-31-07
Date

JASON D. VUKAS

Name (Printed or typed)
Authorized Representative of
U.S. Minerals, LLC dba Stan Blast Abrasives

VICE PRESIDENT

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

